

MEETING #31 – June 3

At a Joint Meeting/Public Hearing of the Madison County Board of Supervisors and the Madison County Planning Commission on June 3, 2015 at 7:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: Doris G. Lackey, Chair
R. Clay Jackson, Vice-Chair
Jonathon Weakley, Member
Robert Campbell, Member
Kevin McGhee, Member
V. R. Shackelford, III, County Attorney
William Tidball, Interim County Administrator
Betty Grayson, Zoning Administrator

Planning Commission:

Call to Order

Pledge of Allegiance & Moment of Silence

1. Determine Presence of a Quorum

Mr. Yowell, Commission Chair, noted that a Quorum was present.

2. Approval of Minutes

The minutes of the May 6, 2015 joint meeting were approved as presented.

3. Action Items:

Mr. Yowell provided an overview of tonight's meeting process; representatives were asked to approach the podium to provide their name and any information pertinent to tonight's case; questions will be entertained by the Commission members, the public, and then recommended onto the Madison County Board of Supervisors either for approval or tabling. In closing, he asked that applicants remain for the Madison County Board of Supervisor's portion of tonight's meeting.

- a. Case No. S-06-15-02: Request by Marshall P. Wynham, II for a plat of a subdivision of land to create one (1) lot with residue. This parcel will be served by a new 50 foot right-of-way through property owned by W. Clayton Wynham, Jr. (TM 39-60). This property is located off Route 652 (Ruth Road) near the Town of Madison, zoned A-1. Final plat has approval from VDOT and the Madison Health Department.

Mr. Wynham, applicant, was present to answer any questions pertaining to tonight's request.

The County Attorney advised of a typographical error on the title to the property (i.e. #130001617 should be #130001671), and suggested the applicant consult an attorney on this matter (i.e. quit claim deed).

After discussion, the Madison County Planning Commission recommended that the Madison County Board of Supervisors Case No. S-06-15-02 as presented, with the understanding that there's no determination on the title and that the typographical error will need to be corrected (deed reference), as recommended by the County Attorney.

- b. Case No. S-06-15-03: Request by L & L Acres, LLC for a subdivision plat to adjust a portion of a 50 foot right-of-way and a boundary adjustment on TM 23-9 and 23-69 (both parcels are owned by L & L Acres, LLC). This property is located off Route 604 (Novum Road) and is zoned A-1. Final plat has approval from VDOT; approval from the Madison Health Department isn't required as no new lots are being created.

Bruce Parker, Surveyor, was present on behalf of the applicant.

Betty Grayson, Zoning Administrator, noted that since the right-of-way is being 'adjusted', the County generally denotes this action as being an 'abandonment' instead of an 'adjustment.'

The County Attorney concurred with comments made by Ms. Grayson and noted that 'abandonment' is the legal term used in the statute (and by VDOT) when a right-of-way is being done away with.

After discussion, the Madison County Planning Commission recommended that the Madison County Board of Supervisors approve Case No. S-06-15-03 as presented to note the plat being amended to include necessary working as recommended by the County Attorney.

- c. Case No. SP-06-15-04: Request by Madison Foothills, LLC for a site plan to construct a lobby addition onto the existing warehouse. This property is located on Route 230 (7021 Wolftown Hood Road) near Oak Hill, zoned Conditional Industrial, M-1. Final plan – email from VDOT indicated the expansion will not affect the existing entrance and turn late. Letter received from RSA dated May 12, 2015; Approval from the Madison Health Department isn't required since no plumbing will be needed. Changes were provided at 9:00 a.m. on June 5, 2015 to Bruce Parker, Surveyor. This plat also serves to abandon the location of the fifty-foot (50') wide access easement from the locations shown as "existing" and to relocate 'said' access easement as shown in today's documentation.

****Danny Crigler, Commission member, stepped down****

John Clark of Blackwell Engineering, Inc. was present and noted the work will involve a 960 sq. ft. lobby addition, with no office space or restrooms; the area will involve one (1) employee in an open work reception area. Since there will only be disturbance of about 1,050 sq. ft. of ground, an erosion & sedimentation plan will not be required, as indicated by Brian Daniel, E&S Technician. In closing, he noted there will be about 10-15 spaces along the eastern side of the warehouse that weren't counted as official parking, and five parking spaces are being delineated on the northeastern corner of the property in question.

After discussion, the Madison County Planning Commission recommended that the Madison County Board of Supervisors approve Case No. S-06-15-04 as presented.

Mr. Yowell advised that the Board of Supervisors will be providing an update on the power line issue, and also reminded the Commission members of the workshop scheduled for June 17th that will be a special joint session with the Board of Supervisors for the purpose of considering the amendment to Article 8, Business, B-1 uses permitted by right, specifically Article 8-1-4 of the County's Zoning Ordinance.

Power line Update (Letter)

Mr. Yowell advised that the Commission mailed a certified letter (read for the public) the attention of Mr. Bob McGuire of Dominion Power on Friday, May 29th; there has been no confirmation receipt received to date. Letters will also be sent to REC, PJM and First Energy by the close of this week. In closing, it was noted that a conversation will be held with the Chairman of the Prince William County Planning Commission to attain how their locality handled concerns with establishing corridors.

Chairman Lackey noted that a petition has been forwarded to the County regarding the power line issue.

Mr. Yowell noted that he has seen the petition and indicated the County and Commission are working to do what's in the best interest of Madison County overall and doesn't feel that any action is warranted on the part of the Commission in regards to the petition.

Fay Utz, Commission member, suggested the Commission consider inviting Mr. Mike Chandler (Certification Instructor) to a session to provide input on what's transpiring in other localities and how they're dealing with various issues of concern.

4. Adjournment

With no further action being required, Mr. Yowell, Chair, adjourned the Madison County Planning Commission's portion of tonight's meeting.

Board of Supervisors

Call to Order

1. Determine Presence of a Quorum
3. Adoption of Agenda

Supervisor Jackson moved the adoption the Agenda as submitted, seconded by Supervisor McGhee. *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

4. Action Items:

- a. Case No. S-06-15-02: Request by Marshall P. Wynham, II.....

The County Attorney referenced title issues with the 'quit claim deed' and strongly urged the applicant to seek legal council before moving further with tonight's request. In closing, he noted there will be no consequences on the County is tonight's request is approved.

Supervisor Weakley moved that Case No. S-06-15-02 be approved as recommended by the Madison County Planning Commission, seconded by Supervisor Jackson. *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

b. Case No. S-06-15-03: Request by L & L Acres, LLC

Supervisor McGhee moved that Case No. S-06-15-02 be approved as recommended by the Madison County Planning with plat edits as recommended by the County Attorney, seconded by Supervisor Campbell. *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

c. Case No. SP-06-15-04: Request by Madison Foothills, LLC....

Supervisor Jackson moved that Case No. SP-06-15-04 be approved as recommended by the Madison County Planning Commission, seconded by Supervisor Weakley. *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

5. Power line Update:

The Interim Administrator noted that facts were presented by the Commission that a letter was received concerning the distribution of a petition to develop a utility corridor in the County.

It was also reported that the Madison County Board of Supervisors submitted a letter to Dominion Power, as prepared by the County Attorney.

The County Attorney provided highlights of the letter submitted to Dominion Power to recommend that filing not be done with the SCC until after January 1, 2016, which would provide the Board of Supervisors and the Planning Commission with sufficient time to attain reasonable information in order to evaluate the proposed project. To date, no response has been received.

Supervisor Campbell questioned that in the event that Dominion Power doesn't acknowledge the correspondence forwarded or if the response isn't favorable, what measures could the County take to initiate an injunction (court proceeding) to stop the proposed line from moving forward.

The County Attorney advised that if no response is received in thirty (30) days (i.e. June 17th), then an additional letter could be submitted to remind Dominion Power of the County's request for consideration.

The County Attorney noted that until an application is filed with the SCC, moving forward with an injunction will not produce any results. In closing, he noted that if filing is done (by Dominion Power) without furnishing information to the County, then an injunction could be filed to stop the proceedings before the SCC.

Further questions pertained to whether:

- Anything has been heard from the SCC
- To invite representatives from the SCC to attend a future meeting

The County Attorney noted that public hearings will more than like be held once the application has been filed; meetings are usually held in Richmond.

Discussions focused on:

- The possibility of having further discussions in conjunction with the Madison County Planning Commission and the surrounding local governmental officials later this month
- The need for more information (from Dominion Power) regarding the extent of the proposal and what effects this may have on the comprehensive plan
- Based on the County's existing ordinance, a transmission line can be done here 'by right' in any location
- The need to be proactive (not reactive)
- Assess whether some experts can be brought in to advise of what other localities are doing
- Legal requirements

- Available options
 - Existing corridors
 - Going underground
 - Determination whether a 250 kV line is needed for the area being considered

After discussion, it was suggested a list of questions/concerns be developed for discussion/assessment, and develop a specific task on which the Commission can be assigned to focus upon.

Chairman Lackey opened the floor for input on any new information that can be shared.

The following citizen(s) provided comments:

- James Alexander (Focused on FCC role; timing involved; possible actions the County can take; no information received from any other utility entities involved [i.e. Dominion, First Energy, PJM, OMC])

The County Attorney noted that the filing process would call for:

- A mandamus to force them (Dominion) to provide requested information; and
- An injunction to stop any filing until requested information has been provided with a reasonable amount of time to evaluate and provide comments

Additional comments focused on:

- The need for the County to be heard prior to an application being filed with the SCC
- The request for the Attorney General to pursue a cease/assist order against Dominion Power's intent to proceed without PJM approval
- Proposed overall cost for the injunction

Based on the fact that today's request is outside of his area of legal expertise, the County Attorney suggested the Board seek legal council with more experience in this particular area and advised that he'd be willing to consult. The Board was advised of the timing involved and procedural issues. It further suggested the County consult with an energy attorney and assess which court (i.e. State/Federal) the case will be handled in. A recommendation will also be sought from VACo for an energy attorney.

After discussion, it was the consensus of the Board to authorize the County Attorney to assist finding appropriate legal council and associated costs.

The Chairman will consult with other localities (Orange, Rappahannock, Fauquier and Culpeper) to see if they'd like join in legal action; the Commission will be asked to continue to gather information regarding the comprehensive plan, corridors, and the zoning ordinance.

6. Information/Correspondence (if any)

Personnel Issue:

Supervisor Campbell advised of a personal matter brought forth by an individual; he suggested this issue be dealt with in a future closed session.

7. Adjournment

With no further action being required, on motion of Supervisor Jackson, seconded by Supervisor McGhee, Chairman Lackey adjourned the meeting. *Ayes: Lackey, Jackson, Weakley, McGhee. Nays: (0). Absent: (0).*

Doris G. Lackey, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors

Adopted on: July 14, 2015

Copies: Doris G. Lackey, R. Clay Jackson, Jonathon Weakley, Robert Campbell, Kevin McGhee
V. R. Shackelford, III, Constitutional Officers



Agenda
Joint Meeting and Public Hearing
Madison County Board of Supervisors
Wednesday, June 3, 2015 at 7:00 p.m.
Madison County Administration Building, Auditorium
414 N Main Street, Madison, Virginia 22727



Planning Commission

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 - b. *Case No. S-06-15-03: Request by L & L Acres, LLC*
 - c. *Case No. SP-06-15-04: Request by Madison Foothills, LLC....*
5. Power Line Updates
6. Information/Correspondence (if any)
7. Adjournment